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EXAMINER

ARMSTRONG, ANGELA A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This Office Action is in response to the amendment filed February 24, 2009, amending claims 1 and 6. Currently claims 1-18 and 20-21 are pending.

Response to Amendment

1. The Declaration filed on October 5, 2009, under 37 CFR 1.131 has been considered but is ineffective to overcome the Tachimori and Nakaya references.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Nakaya or Tachimori reference to either a constructive reduction to practice or an actual reduction to practice. Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. Rather, applicant must show evidence of facts establishing diligence.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Tachimori or Nakaya reference. A declaration by the inventor to the effect that his or her invention was reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131. In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose.

The declaration is insufficient as the declaration does not contain an allegation that the acts relied upon to establish the date prior to the reference or activity were carried out in this country or in a NAFTA country or WTO member country.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 7, 14-15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakisaka (US Patent No. 6,112,174) in view of Tachimori (US Patent No. 6,718,304) and further in view of Nakaya (PAJ 2000-074685).

Wakisaka discloses a recognition dictionary system structure and changeover method of speech recognition system for car navigation. Regarding claims 1, 7, 14, and 21, Wakisaka discloses a method of providing automatic speech recognition in a navigation system (col. 3, lines 19-23) comprising: determining a current position of a vehicle in which the navigation system is installed (col. 5, lines 9-34) and forming a new speech recognition list by adding names of geographic features located in proximity to the current position of the vehicle (Figures 3A and 3B; col. 6, line 57 to col. 7, line 7). Wakisaka teaches changing the dictionary based on the location of the vehicle but fails to teach the change is based on the distance exceeding a threshold. Tachimori teaches determining whether a distance from the current position of the vehicle to another position associated with a previous a speech recognition word list exceeds a threshold (col. 8, lines 39-45). It would have been obvious to implement the teachings of Tachimori in the system of Wakisaka, since determining whether a distance from a current

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position to another position of a different recognition word list exceeds a threshold is a known technique used in a speech recognition navigation system for improving the word list updates/changes processing in navigation systems. Wakisaka and Tachimori does not teach, forming a new speech recognition word list by adding names of geographic features located in proximity to the current position of the vehicle to a plurality of words that correspond to a collection of geographic features selected without regard to proximity to the current position of the vehicle. Nakaya teaches a retrieval method for a mobile unit in a navigation system, in which names only of nationally noted places and facilities are stored in a partial data base for remote areas from the position of its own vehicle and names of places and facilities of low degree of note or the name of intersections are stored additionally in the partial data base for the peripheral areas. Data to be stored in the partial data base is updated by a data updating means depending on the positional variation of its own vehicle. This would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Nakaya to the device/method of Wakisaka et al for the purpose of improving recognition rate, as suggested by Nakaya.

Regarding claim 2, the combination of Wakisaka, Tachimori and Nakaya teaches the speech recognition word list contains a subset of all available names for geographic features located in a geographic area represented by a geographic database (col.5, lines 44-56).

Regarding claim 3, the combination of Wakisaka, Tachimori and Nakaya teaches determining a location associated with the new speech recognition word list (col.5, lines 9-56).

Regarding claims 4, 8, and 15, the combination of Wakisaka, Tachimori and Nakaya teaches the plurality of words that correspond to the collection of geographic features selected

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without regard to proximity to the current position of the vehicle include popular or important destinations (Nakaya's nationally noted places and facilities).

Regarding claim 5, the combination of Wakisaka, Tachimori and Nakaya teaches continuing to determine the current position of the vehicle as the vehicle travels along roads in a geographic area (Col.5, lines 9-56; col. 6, line 57 to col. 7, line 7; Figures 3A, 3B).

4. Claims 6, 9-13, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakisaka (US Patent No. 6,112,174) in view of Tachimori (US Patent No. 6,718,304).

Wakisaka discloses a recognition dictionary system structure and changeover method of speech recognition system for car navigation. Regarding claims 6, 12, and 20, Wakisaka discloses a method of providing automatic speech recognition (via a speech recognition system) in a navigation system (col. 3, lines 19-23) comprising: determining a current position of a vehicle in which the navigation system is installed (col. 5, lines 9-34) and forming a new speech recognition list (via a software program in the CPU or microcomputer 703) by adding names of geographic features located in proximity to the current position of the vehicle (Figures 3A and 3B; col. 6, line 57 to col. 7, line 7). Wakisaka teaches changing the dictionary based on the location of the vehicle but fails to teach the change is based on the distance exceeding a threshold. Tachimori teaches determining whether a distance from the current position of the vehicle to another position associated with a previous a speech recognition word list exceeds a threshold (col.8, lines 39-45). It would have been obvious to implement the teachings of Tachimori in the system of Wakisaka, since determining whether a distance from a current position to another position of a different recognition word list exceeds a threshold is a known

technique used in a speech recognition navigation system for improving the word list updates/changes processing in navigation systems.

Regarding claims 9 and 13, the combination of Wakisaka and Tachimori teaches the speech recognition word list contains a subset of all available names for geographic features located in a geographic area represented by a geographic database (col.5, lines 44-56).

Regarding claim 10, the combination of Wakisaka and Tachimori teaches continuing to determine the current position of the vehicle as the vehicle travels along roads in a geographic area (Col.5, lines 9-56; col. 6, line 57 to col. 7, line 7; Figures 3A, 3B).

Regarding claim 11, the combination of Wakisaka and Tachimori teaches determining a location associated with the new speech recognition word list (col.5, lines 9-56).

Regarding claims 16-18, the combination of Wakisaka and Tachimori teaches a geographic database (Figure 3B) and a spatial name index (Figures 3, 7; col. 9, lines 6-21).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/
Primary Examiner, Art Unit 2626